

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

DUANE E. LEE,
on behalf of Jaqueline K. Lee,

Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner,
Social Security Administration

Defendant.

1:14cv644 (LMB/JFA)

ORDER

On November 3, 2014 a magistrate judge issued a Report and Recommendation [Dkt. No. 18] (“Report”) in which he recommended affirmance of the Social Security Administration’s denial of the disability claim filed by Jacqueline K. Lee.¹ The Report advised the parties that any objection to the Report had to be filed within fourteen days of service of the Report and that failure to file a timely objection barred appeal of “any finding or conclusion accepted or adopted by the District Judge except upon grounds of plain error.” Report at 23. As of December 24, 2014, no objections have been filed by any party.

Having carefully reviewed the Report and the file, this Court adopts both the Report’s findings of fact and conclusions of law as its own. Specifically, the Court finds that there was substantial evidence in the record before the Administrative Law Judge (“ALJ”) to support his conclusion that although Ms. Lee suffered from recurring joint pain, urinary problems, migraines, generalized anxiety, and obesity, her subjective reports of pain and symptoms were not consistent

¹ Jacqueline K. Lee died on December 9, 2013 while her claim was still pending before the Appeals Council. Her husband and estate executor, Duane E. Lee, brought this claim on behalf of her estate.

with objective medical evaluation, that she did retain sufficient residual function capacity ("RFC") to perform light work with certain restrictions, that there were jobs in the economy available for someone with that RFC and those restrictions, and that therefore she was not entitled to disability benefits. Accordingly, the defendant's Motion for Summary Judgment [Dkt. No. 11] is GRANTED, the plaintiff's Motion for Summary Judgment [Dkt. No. 13] is DENIED, and it is hereby

ORDERED that judgment be and is entered in favor of the defendant, Carolyn W. Colvin, Acting Commissioner of the Social Security Administration.

The Clerk is directed to enter judgment in defendant's favor pursuant to Fed. R. Civ. P. 58 and to forward copies of this Order to counsel of record.

Entered this 24th day of December, 2014.

Alexandria, Virginia

/s/ LMB

Leonie M. Brinkema
United States District Judge